

**REMARKS/ARGUMENTS**

Claims 1-4, 6-12, 14-22, 33-40, 43, 62-65, 67-80, 85, 86, 91, and 94 were presented for examination and are pending in this application. In an Official Final Office Action dated April 20, 2007, claims 1-4, 6-12, 14-22, 33-40, 43, 62-65, 67-80, 85, 86, 91, and 94 were rejected. The Applicant thanks the Examiner for his consideration and addresses the Examiner's comments concerning the claims pending in this application below.

**35 U.S.C. §103(a) Obviousness Rejection of Claims**

Claims 1-4, 6-12, 14-22, 33-40, 43, 62-65, 67-69, 74-75, 78-80, 85-86, and 94 were rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,477,585 by Cohen ("Cohen") in view of U.S. Patent No. 6,584,491 by Niemi ("Niemi"). Claims 70-73, 76-77, and 91 were rejected under 35 U.S.C. §103(a) as being unpatentable over Cohen in view of Niemi and in U.S. Patent No. 6,314,533 by Novik. Applicant respectfully traverses these rejections in light of the aforementioned remarks and respectfully requests reconsideration.

After a review of the previously filed Appeal Brief, the Office Action following the reopening of prosecution, the Applicant's response, and this pending Office Action, and given the extended nature of this prosecution, the Applicant requests supervisory review of this case.

The cited references again fail to teach or suggest all of the limitations recited in the claims as currently amended. The rejection of the independent claims of the present rejection appears to hinge on the Examiner's reading of Niemi. The Office Action of April 20, 2007 cites the FilteredEventConsumer 38, Fig. 2, lines 3-56, col.6 and lines 1-2 of col. 7 to support his rejection. In essence the rejection appears to hinge on the Examiner's interpretation that filter 16b of Niemi can be considered an

event consumer 18 and thus places the filter on a subscriber node. This conclusion relies on faulty logic and is inconsistent with the teachings of Niemi.

Niemi is cited for teaching "an event notification system wherein an event filter mechanism is located on an event subscriber" with its "FilteredEventConsumer 38" as shown in Figure 2 and discussed at col. 6, lines 3-56. Niemi teaches that the filters are located on one or more servers in a distribution system or network but fails to show they are located on the subscriber node running a consumer or subscriber application.

Figure 1 and associated text in col. 4 of Niemi teaches the use of an event distribution system 14 that is used to trace event messages as they flow from a source process 12 to a destination consumer 18. Niemi further teaches the use of "a distributed plurality of filter processes 16 configured for receiving the message (m) and selectively passing the message for reception by a destination consumer process 18" (see, col. 4, lines 1-14). The filter processes 16 (when acting as a filter process) are shown to be a part of the event distribution process (EDS) 14 and are not shown in Figure 1 to be on the same node as the destination consumer 18.  
(characters 16a and 16b)

The Examiner does not traverse the Applicant's position that the FilteredEventConsumer 38 is not a filter in the Niemi system that processes event messages but instead is an interface mechanism or object. As previously argued, the object 38 is used (as described in col. 6 of Niemi) to register the filter 16 and bind the consumer process 18 to a particular filter(s) 16. As discussed in col. 6, lines 20-34, the event consumer 18 registers "one or more filters with the EDS 14" and "the filter process 16 obtains the Java boolean filter from the event consumer 18 in step e3 during registration of the callback." All the figures and text of Niemi indicate that the filter processes 16 remain part of the EDS 14, which is not shown or suggested to be provided on the node of destination consumer 18.

The Examiner thereafter turns to lines 1 and 2 of col. 7 to argue that filter 16b can be considered to be the event consumer and (the Examiner states) "therefore it is clear that the event consumer performs the event filtering." This is faulty logic and simply not true.

The very next paragraph, col. 7, lines 6-20 of Niemi describes how FIG. 2 illustrates the relationship in establishing the connections, namely that the filtering process does not reside at the event consumer. That relationship clearly shows that an event filter mechanism (the filter process) is not located on an event subscriber but rather on the EDS. But when it, filter 16b, is not a filter process it may be considered as the event consumer. Niemi states, "Hence, the client-server model of FIG. 2 may be used successively in distributed applications, such as the event consumer of FIG. 2 may actually correspond to another filter such as 16b." In such a scenario, 16b acts as a event consumer with respect to filter 16a and is not a filter process itself. The relationship remains the same, namely that the destination consumer is not performing the filtering for that event.

For at least this reason the Applicant submits that claims 1-4, 6-12, 14-22, 33-40, 43, 62-65, 67-69, 74-75, 78-80, 85-86, and 94 are patentable over Cohen in view of Niemi.

With respect to the rejection of claims 70-73, 76-77, and 91, the Office Action of April 20, 2007 fails to address the Applicant's comments. The Office Action again states that Cohen fails to teach building its filters from a "binary tree" and cites Novik at col. 2, lines 56-59, Figure 6, and at col. 14, lines 40-53 for providing teaching building filters from trees (as called for in claim 70). However, at this citation, Novik states "Preferably, the filtering of events would be performed at the event provider itself, such that any events that are not requested by a subscriber would be discarded at the event provider." There is no teaching at this citation of building a

filter from a tree, of selecting a tree from said filter, and comparing said event with said search tree as called for in claim 70.

Further, Novik teaches similarly to Cohen that filtering is performed at the event supplier or publisher. In contrast, claim 70 calls for the building, selecting, and use of the filter to be performed at the node that is also used for "receiving an event at said node." Hence, the filtering (and its construction) are performed at the event consumer or subscriber rather than at the event supplier or provider node as taught by both Cohen and Novik. Niemi also fails to teach filtering at a node having its destination consumer but instead shows filtering processes in a distributed system. Since these references fail to teach or suggest each and every limitation of claim 70 and actually teach away from its limitations, claim 70 is not made obvious by the combined teachings of these three references.

Claims 71-73 depend from claim 70 and are believed allowable for at least the reasons provided for allowing claim 70.

Claims 76 and 77 depend from claim 74 and are believed allowable as depending from an allowable base claim. Further, Novik fails to overcome the deficiencies of Cohen and Niemi discussed above with reference to claim 74.

Independent claim 91 is directed to a computer program product with limitations similar to that of claim 70. The reasons provided above for allowing claim 70 over Cohen, Niemi, and Novik are believed applicable to claim 91.

In view of all of the above, the claims are now believed to be allowable and the case in condition for allowance which action is respectfully requested. Should the Examiner be of the opinion that a telephone conference would expedite the prosecution of this case, the Examiner is requested to contact Applicant's attorney at the telephone number listed below.

Serial No. 09/846,254  
Reply to Final Office Action of April 20, 2007

No fee is believed due for this submittal. However, any fee deficiency associated with this submittal may be charged to Deposit Account No. 50-1123.

Respectfully submitted,

16 July, 2007



---

Michael C. Martensen, No. 46,901  
Hogan & Hartson LLP  
One Tabor Center  
1200 17th Street, Suite 1500  
Denver, Colorado 80202  
(719) 448-5910 Tel  
(303) 899-7333 Fax